

 NORTON ROSE FULBRIGHT

October 10, 2023

BY ECF

The Honorable Jennifer H. Rearden  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 1010  
New York, NY 10007

Re: Lupin Ltd. v. Salix Pharma., Inc., et ano., No. 1:22-cv-07656 (JHR)

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Dear Judge Rearden:

We represent Defendant and Counterclaim-Plaintiff Salix Pharmaceuticals, Inc. (“Salix”) and Defendant Bausch Health US LLC (“Bausch US” and with Salix, “Defendants”), in the above-referenced matter. We write pursuant to Rule 9 of Your Honor’s Individual Rules and Practices in Civil Cases (“Individual Rule”) to request that certain portions of Defendants’ Answer to Plaintiff and Counterclaim-Defendant Lupin Ltd.’s (“Lupin’s”) Second Amended Complaint (“Answer”) and Counterclaim-Plaintiff Salix’s Counterclaims (“Counterclaims”) be filed under seal.

On September 18, 2023, the Court granted Lupin’s Letter Motion to seal its Second Amended Complaint (Dkt. No. 56) consistent with Judge Cronan’s November 21, 2022 Order (Dkt. No. 32) permitting Lupin to file its Amended Complaint in redacted form. Accordingly, Defendants only request to seal those portions of their Answer that have already been sealed in Lupin’s Second Amended Complaint and accompanying exhibits. Defendants do not seek to seal any portions of their Answer that Lupin did not seal in its Second Amended Complaint. Additionally, Salix requests that Paragraphs 7, 8, 14, 15, and 16 of its Counterclaims be sealed. Those proposed redactions also consist of material that has previously been sealed by the Court, specifically, certain provisions of the Rifaximin Manufacturing and Supply Agreement entered into between Lupin and Salix (“Agreement”), filed as Exhibit A to Lupin’s Second Amended Complaint. See Dkt. No. 53-1.

Pursuant to Individual Rule 9(C)(iii) and contemporaneously with this letter-motion, Defendants are: (1) publicly filing a copy of the Answer and Counterclaims with their proposed redactions; and (2) filing under seal the Answer and Counterclaims with their proposed redactions highlighted in yellow.

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Thank you for your consideration of the foregoing.

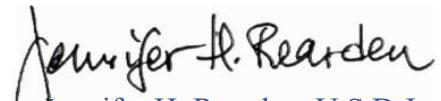
Application GRANTED.

SO ORDERED.

Respectfully,



Robin D. Adelstein



Jennifer H. Rearden  
Date: Oct. 16, 2023

cc: All Counsel of Record